

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBYNN EUROPE,

20-cv-7787 (JGK)

Plaintiff,

ORDER

- against -

EQUINOX HOLDINGS, INC., ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The Court has incorporated the parties' agreed-to changes to the charge and special verdict form on damages. The Court notes a few additional points:

On page four of the charge, after consulting previous charges the Court has given, the Court did not change the instruction that "[y]ou may not award damages based on speculation." The Court does instruct on page six: "You may not award damages based on sympathy, speculation, or guesswork."

The Court also slightly modified the instruction on nominal damages. The last paragraph of page six now reads (with new additions bolded):

If you find that the plaintiff's damages have no monetary value, **or that you are unable to compute monetary damages except by engaging in pure speculation and guessing**, then you must return an award of damages in some nominal or token amount not to exceed the sum of one dollar. **You may not award both nominal damages and compensatory damages to the plaintiff; either the plaintiff was measurably injured, in which case you must award compensatory**


damages, or else she was not, in which case you must award nominal damages.

This expanded instruction is consistent with Sand 77-6 and other charges the Court has given.

The Court also attaches a final version of the special verdict form.

SO ORDERED.

Dated: New York, New York
May 15, 2023



John G. Koeltl
United States District Judge